

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

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NEW HAMPSHIRE LOTTERY COMMISSION,)

NEOPOLLARD INTERACTIVE LLC, *and*)

POLLARD BANKNOTE LIMITED,)

Plaintiffs,)

v.)

WILLIAM P. BARR, in his official capacity as)
Attorney General of the United States,)

UNITED STATES DEPARTMENT OF JUSTICE,)

AND UNITED STATES OF AMERICA,)

Defendants.)

=====

Civil Action No. 1:19-cv-00163-PB

**MOTION TO INTERVENE OF PROPOSED DEFENDANTS
COALITION TO STOP INTERNET GAMBLING
AND NATIONAL ASSOCIATION OF CONVENIENCE STORES**

Pursuant to FED. R. CIV. P. 24(a) and 24(b), the Coalition to Stop Internet Gambling (CSIG) and the National Association of Convenience Stores (NACS), by and through undersigned counsel, respectfully move to intervene as defendants in this case.

Proposed Defendants-Intervenors have conferred with the parties' counsel, and the New Hampshire Lottery Commission opposes this motion. The NeoPollard Plaintiffs do not consent to the motion. Defendants requested the following be noted: "Defendants take no position on CSIG's motion for intervention, except to observe that if the Court grants intervention, such intervention should be granted only under Rule 24(b); Rule 24(a) is inapplicable because Defendants adequately represent CSIG's interest in this litigation."

In support of this motion, CSIG and NACS file the attached Memorandum of Law, Declaration of Lyle Beckwith, and Proposed Motion to Dismiss or for Summary Judgment. Defendants' decision to decline to adopt a firm position with respect to whether Plaintiffs are subject to the Wire Act under the statute's "whoever" language significantly prejudices the interests of CSIG, NACS, and their New Hampshire-based members. To ensure that those interests are adequately represented both in this Court and in any appellate proceedings, and for other reasons described in the attached Memorandum of Law, CSIG and NACS respectfully request that this Court:

- a. Grant their Motion to Intervene;
- b. Docket their Proposed Motion to Dismiss or for Summary Judgment; and
- c. Grant such other and further relief as may be just and equitable.

Dated: May 23, 2019

Respectfully submitted,

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National Association of Convenience Stores*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene, along with its accompanying attachments, was served via the Case Management/Electronic Case Files (CM/ECF) system on May 23, 2019, upon all counsel of record, including:

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